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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. 3-06-70306 EDL  
14 Plaintiff, )  
15 v. ) [PROPOSED] ORDER AND  
16 ANTONIO MELENDEZ-TORRES, ) STIPULATION EXTENDING TIME  
aka Antonio Torres Melendez, ) UNDER RULE 5.1 AND EXCLUDING  
17 Defendant. ) TIME UNDER THE SPEEDY TRIAL ACT  
18 \_\_\_\_\_)

19 The parties stipulate and agree, and the Court finds and holds, as follows:

20 1. The parties appeared on the instant matter May 18, 2006 in front of the Honorable  
21 Elizabeth D. Laporte for defendant's initial appearance on the complaint. On May 18, 2006, the  
22 matter was continued to June 6, 2006 for a detention hearing and to set an arraignment /  
23 preliminary hearing.

24 2. On May 18, 2006, Assistant Public Defender Steven G. Kalar, who represents the  
25 defendant, requested an exclusion of time from May 18, 2006 to June 6, 2006, based on effective  
26 preparation and continuity of counsel. The defendant agreed to an extension of time for the  
27 preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an exclusion of time  
28 under the Speedy Trial Act. The parties agree that the time from May 18, 2006 to June 6, 2006

should be extended under Rule 5.1(d) and excluded in computing the time within which an information or indictment must be filed. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

3. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See id. The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

4. For the reasons stated, the time period from May 18, 2006 to June 6, 2006 is extended under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

## IT IS SO STIPULATED.

DATED:

Respectfully Submitted,

/S/  
NAHLA RAJAN  
Special Assistant United States Attorney

DATED:

/S/  
STEVEN G. KALAR  
Counsel for Antonio Melendez-Torres

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 6/2/06

HONORABLE ELIZABETH D. LAPORTE  
United States Magistrate Judge

